



**U S Army Corps  
of Engineers**  
Huntington District

# Public Notice

In reply refer to Public Notice No.  
200600414

Issuance Date:  
November 28, 2006

Stream: Pogue Run

Closing Date:  
December 28, 2006

Please address all comments and inquiries to:

U.S. Army Corps of Engineers, Huntington District

ATTN: CELRH-OR-FN-OT Public Notice No. (*reference above*)

Ohio Regulatory Transportation Office

Building 10, Section 10

3990 East Broad Street

Columbus, Ohio 43218-3990

Phone: (614) 692-4660

**PUBLIC NOTICE:** The purpose of this public notice is to inform you of a proposal for work in which you might be interested. It is also to solicit your comments and information to better enable us to make a reasonable decision on factors affecting the public interest. We hope you will participate in this process.

**REGULATORY PROGRAM:** Since its early history, the U.S. Army Corps of Engineers (Corps) has played an important role in the development of the nation's water resources. Originally, this involved construction of harbor fortifications and coastal defenses. Later duties included the improvement of waterways to provide avenues of commerce. An important part of our mission today is the protection of the nation's waterways through the administration of the Corps Regulatory Program.

**SECTION 404:** The Corps is directed by Congress under Section 404 of the Clean Water Act (33 USC 1344) to regulate the discharge of dredged and fill material into all waters of the United States, including wetlands. The intent of the law is to protect the nation's waters from the indiscriminate discharge of material capable of causing pollution and to restore and maintain their chemical, physical and biological integrity.

**TO WHOM IT MAY CONCERN:** The following application has been submitted for a Department of the Army Permit under the provisions of Section 404 of the Clean Water Act. This notice serves as the Corps of Engineers' request to the Ohio Environmental Protection Agency (OEPA) to act on Section 401 Water Quality Certification for the following application:

**APPLICANT:** Ohio Department of Transportation  
1980 West Broad Street  
Columbus, Ohio 43223

**LOCATION:** The proposed project is located on Pogue Run and an unnamed tributary to Pogue Run north of the St. Clairsville along State Route 9 in the Richland Township, Belmont County, Ohio (40° 06' 38.89" N, 80° 55' 54.12" W). The southern terminus of the proposed project is located approximately 800 feet south of the State Route 9 crossing of Pogue Run and the northern terminus is located approximately 735 feet north of the same crossing.

**DESCRIPTION OF THE PROPOSED WORK:** The applicant proposes to make roadway improvements, to replace the existing bridge over Pogue Run with a new drainage structure and to realign State Route 9 and Township Road 407. The purpose of the proposed project is to improve safety and correct existing roadway deficiencies to meet current design standards including widening lanes and shoulders, curve width and installing a new guardrail.

Work associated with the proposed project would involve impacts to approximately 411 linear feet of Pogue Run for the construction of a single 200-foot long, 20-foot diameter pipe to replace the existing 32-foot single span steel beam bridge and approximately 276 linear feet of impacts for the relocation of Pogue Run for the realignment of Township Road 407. A total of 832 cubic yards of fill material would be discharged into Pogue Run to fill approximately 687 linear feet. In addition, the proposed realignment of State Route 9 to the west would result in the discharge of 48 cubic yards of material for the filling and relocating of approximately 538 linear feet of an unnamed tributary to Pogue Run. Total stream impacts for the proposed project would be 1,225 linear feet.

**MITIGATION PLAN:** The applicant has proposed to compensate for permanent impacts to waters of the United States through the preservation, through a conservation easement, of an unnamed tributary to Goss Fork and adjacent riparian habitat on a 17.3 acre parcel in Washington County, Ohio. The proposed compensatory mitigation site is located in the Little Muskingum River watershed (adjacent to the project site) and includes 1,811 linear feet of stream habitat.

**ALTERNATIVE ANALYSIS:** This project is not considered to be water dependent; therefore, the applicant is required to show that other less damaging practicable alternatives are not available that would achieve the applicant's goal. No permit will be issued until our review of the alternative analysis clearly shows that upland alternatives are not available to achieve the applicant's goal. The applicant has submitted the required alternatives analysis, and it is currently being reviewed by this office.

**WATER QUALITY CERTIFICATION:** A section 401 Water Quality Certification is required for this project. It is the applicant's responsibility to obtain the certification from the Ohio Environmental Protection Agency.

**HISTORIC AND CULTURAL RESOURCES:** The Federal Highways Administration (FHWA) is the lead Federal agency for this project. As such, FHWA is responsible for compliance with the National Environmental Policy Act (NEPA) and Section 106 of the National Historic Preservation Act.

The National Register of Historic Places (NRHP) has been consulted and it has been preliminarily determined that there are no properties currently listed on the register that are in the area affected by the project. A copy of this public notice will be sent to the Ohio Historic Preservation Office for their review. Comments concerning archeological sensitivity of a project area should be based upon collected data.

**ENDANGERED/THREATENED SPECIES REVIEW:** The project is located within the known or historic range of the following endangered species:

Indiana bat (E)

As noted above, FHWA is the lead Federal agency for this project. FHWA is responsible for compliance with the National Environmental Policy Act (NEPA) and Section 7 of the Endangered

Species Act. The United States Fish and Wildlife Service (USFWS) in a letter dated February 24, 2006 determined the proposed project is not likely to adversely affect the Indiana bat or designated critical habitat for this federally listed species. This public notice serves as a request to the USFWS for any additional information they may have on whether any listed or proposed to be listed endangered or threatened species may be present in the area which would be affected by the activity, pursuant to Section 7(c) of the Endangered Species Act of 1972 (as amended).

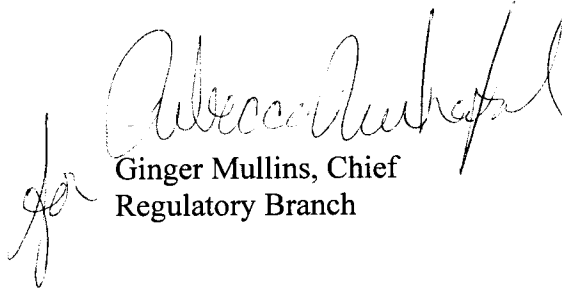
**PUBLIC INTEREST REVIEW AND COMMENT:** Any person who has an interest that may be adversely affected by the issuance of a permit may request a public hearing. The request must be submitted in writing to the District Engineer on or before the expiration date of this notice and must clearly set forth the interest which may be adversely affected and the manner in which the interest may be adversely affected by the activity. This application will be reviewed in accordance with 33 CFR 320-331, the Regulatory Program of the U. S. Army Corps of Engineers (USACE), and other pertinent laws, regulations, and executive orders. Our evaluation will also follow the guidelines published by the U. S. Environmental Protection Agency pursuant to Section 404(b) (1) of the CWA. Interested parties are invited to state any objections they may have to the proposed work. The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit that reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors that may be relevant to the proposal will be considered including the cumulative effects thereof; of those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people. Written statements on these factors received in this office on or before the expiration date of this public notice will become a part of the record and will be considered in the final determination. A permit will be granted unless its issuance is found to be contrary to the public interest.

**SOLICITATION OF COMMENTS:** The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. For accuracy and completeness of the administrative record, all data in support of or in opposition to the proposed work should be submitted in writing setting forth sufficient detail to furnish a clear understanding of the reasons for support or opposition. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

**CLOSE OF COMMENT PERIOD:** All comments pertaining to this Public Notice must reach this office on or before the close of the comment period listed on page one of this Public Notice. If no comments are received by that date, it will be considered that there are no objections. Comments and requests for additional information should be submitted to:

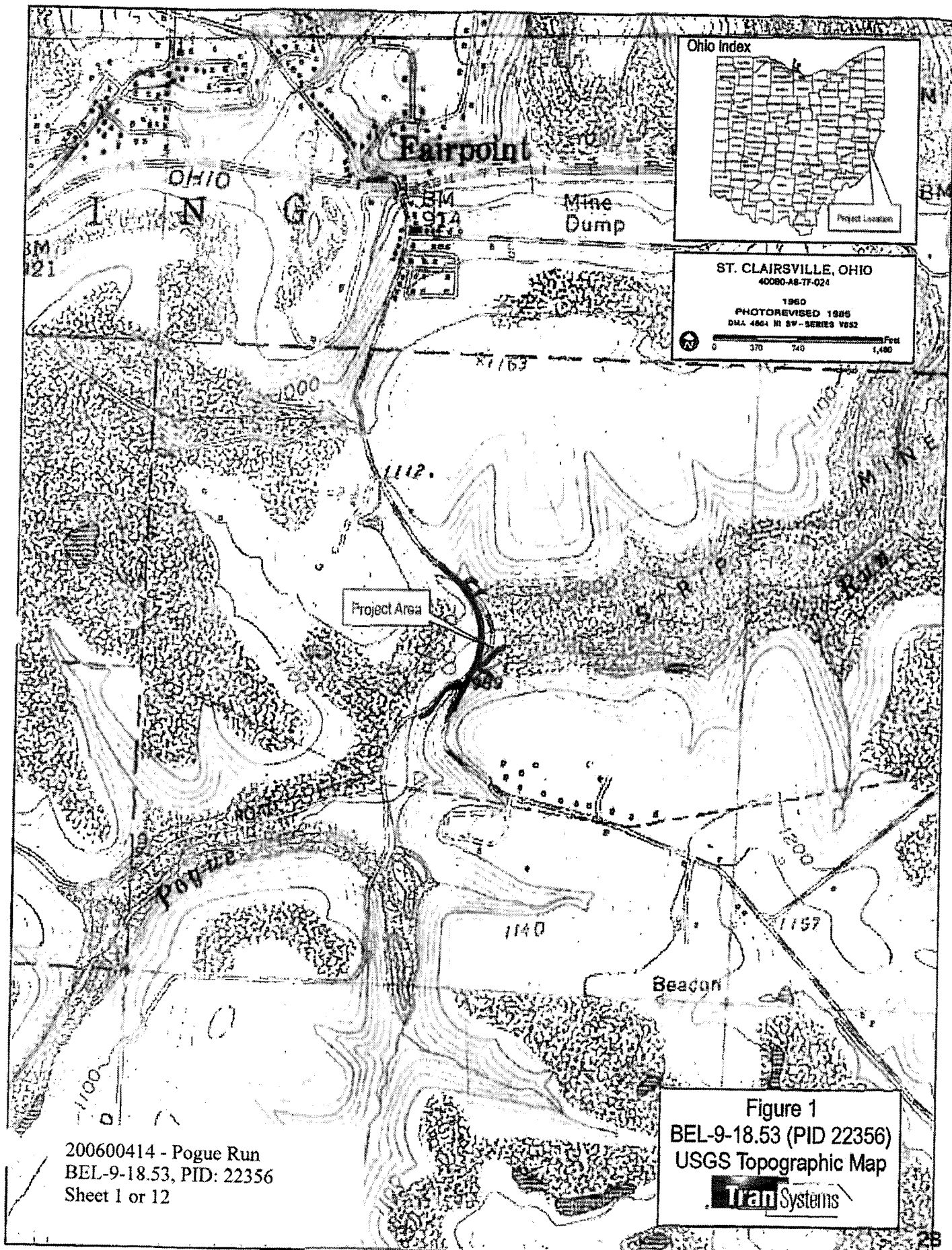
Ohio Regulatory Transportation Office  
Building 10, Section 10  
Attn: Peter M. Clingan, COE #200600414  
3990 East Broad Street  
Columbus, Ohio 43218-3990

Please note names and addresses of those who submit comments in response to this public notice may be made publicly available. Thank you for your interest in our nation's water resources. If you have any questions concerning this public notice, please contact Peter M. Clingan of the North Regulatory Section, Ohio Transportation Office at 614-692-4654.

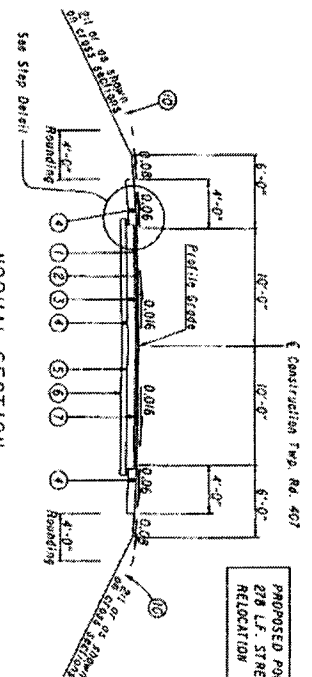


Ginger Mullins, Chief  
Regulatory Branch

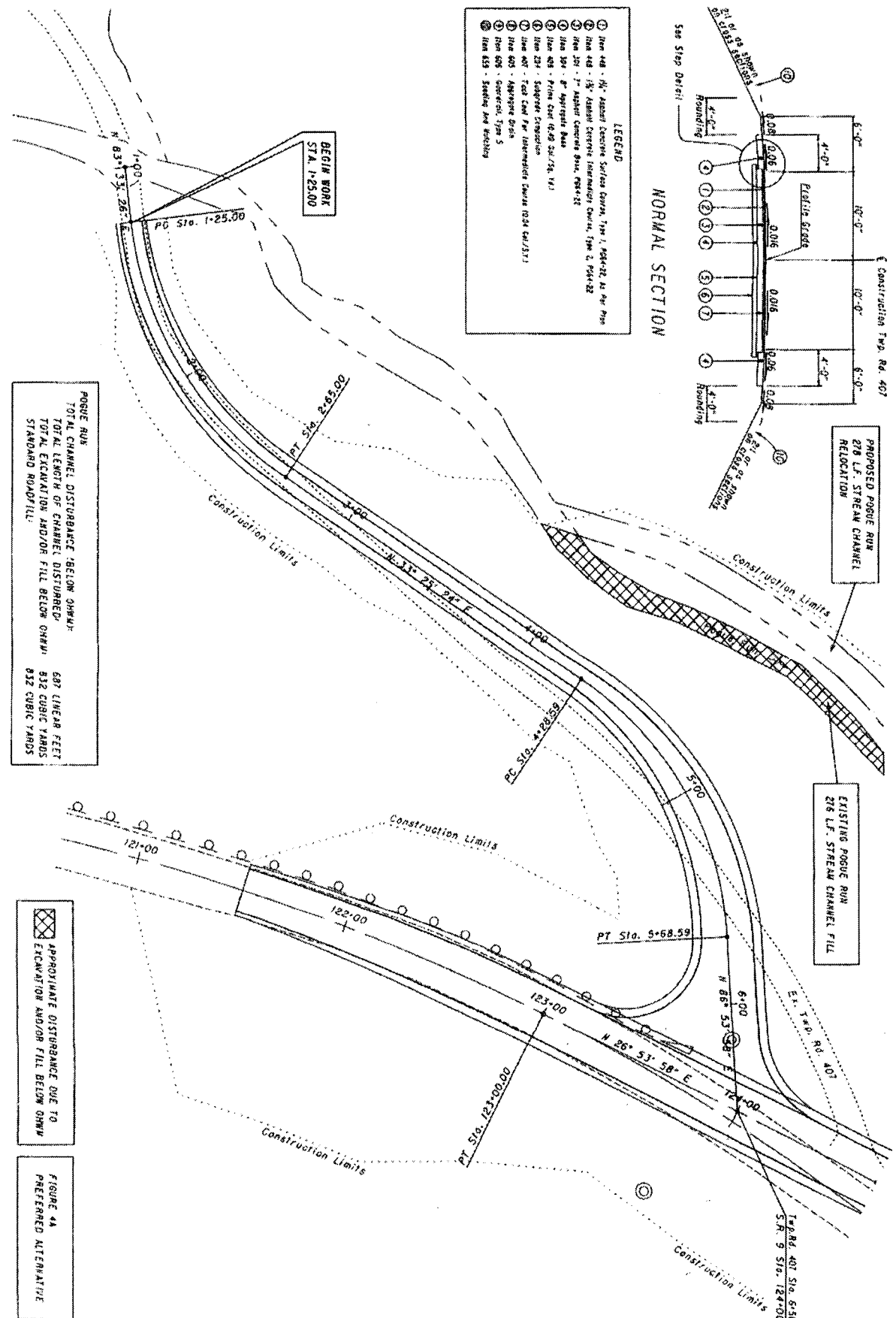
(O, P)







- LEGEND**
- ① Item 448 - 18" Asphalt Concrete Surface Drains, Type 1, PG4-32, As per Plan
  - ② Item 448 - 18" Asphalt Concrete Interceptor Curbs, Type 2, PG4-32
  - ③ Item 304 - 8" Asphalt Concrete Base
  - ④ Item 448 - Prime Coat (6.40 gal./sq. ft.)
  - ⑤ Item 324 - Subgrade Construction
  - ⑥ Item 402 - 2.00" Cold Patch (Intermediate Density (MSD) 64/73)
  - ⑦ Item 403 - Aggregate Drives
  - ⑧ Item 405 - Concrete, Type 5
  - ⑨ Item 435 - Staking and Marking

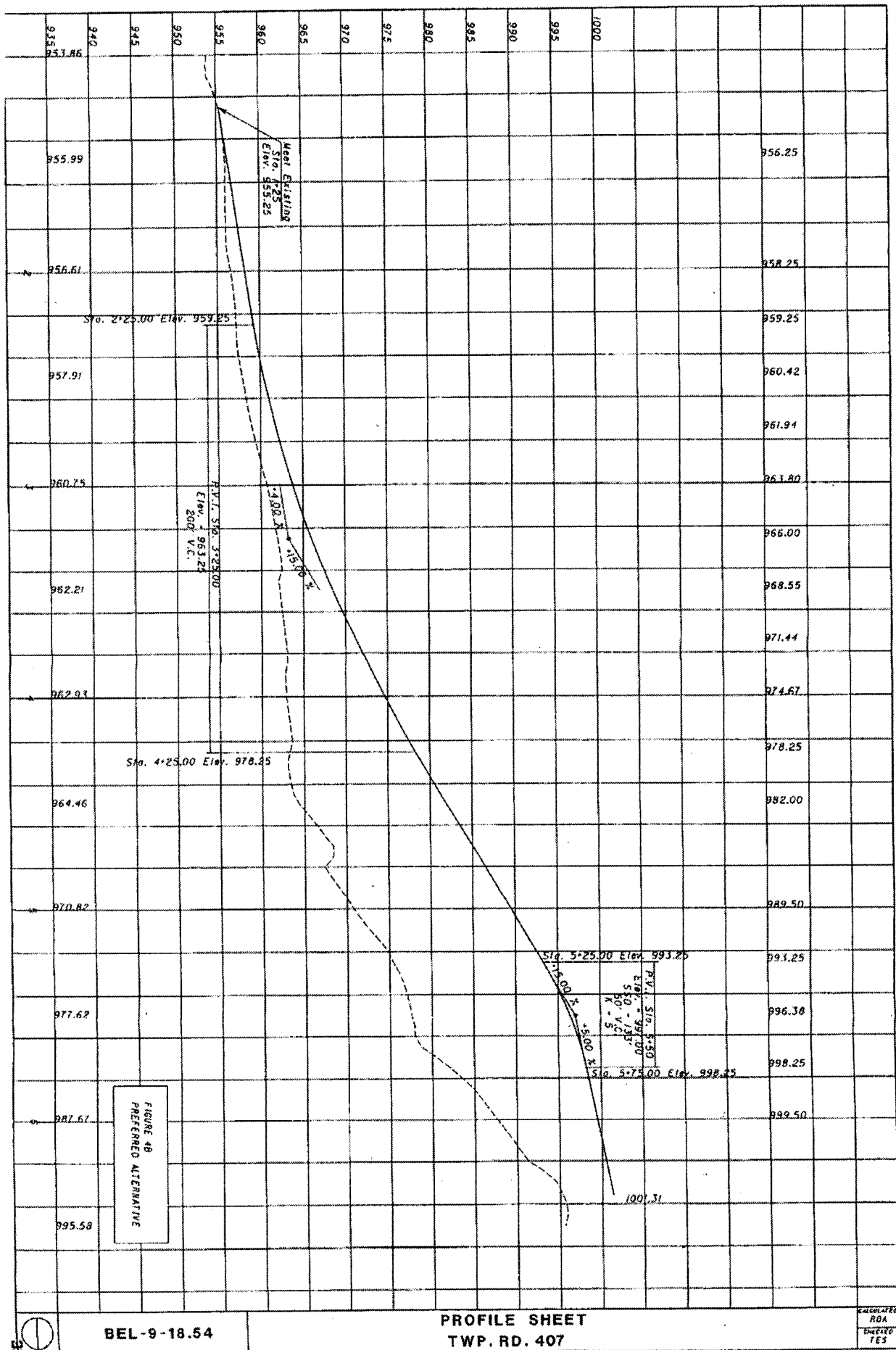


**POGUE RUN**  
 TOTAL CHANNEL DISTURBANCE, BELOW GRW:  
 TOTAL LENGTH OF CHANNEL DISTURBED:  
 TOTAL EXCAVATION AND/OR FILL BELOW GRW:  
 682 LINEAR FEET  
 832 CUBIC YARDS  
 STANDARD ROADFILL

APPROXIMATE DISTURBANCE DUE TO  
 EXCAVATION AND/OR FILL BELOW GRW

FIGURE 4A  
 PREFERRED ALTERNATIVE

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BEL-9-18.54

PROFILE SHEET  
 TWP. RD. 407

CALCULATED  
 RDA  
 CHECKED  
 TES

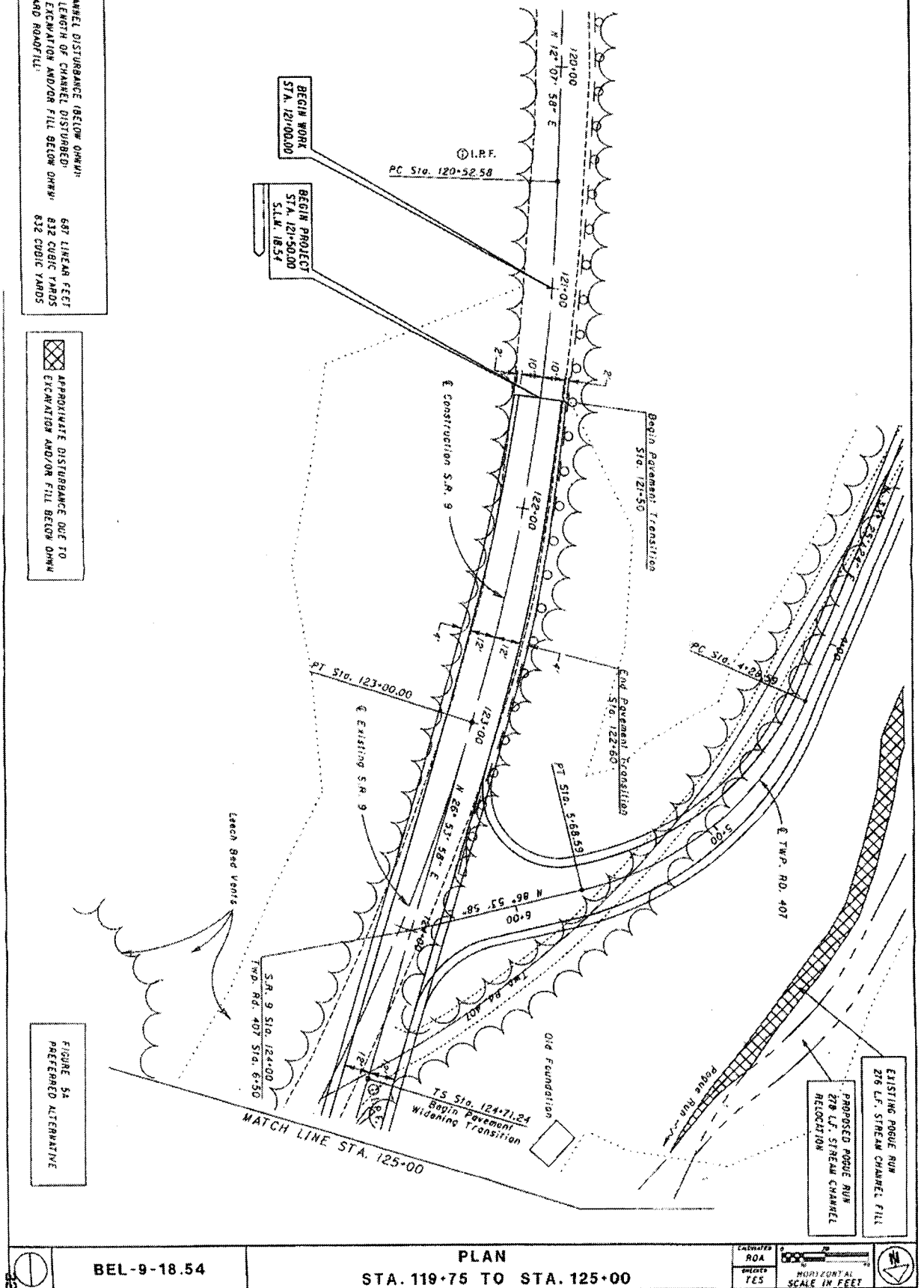


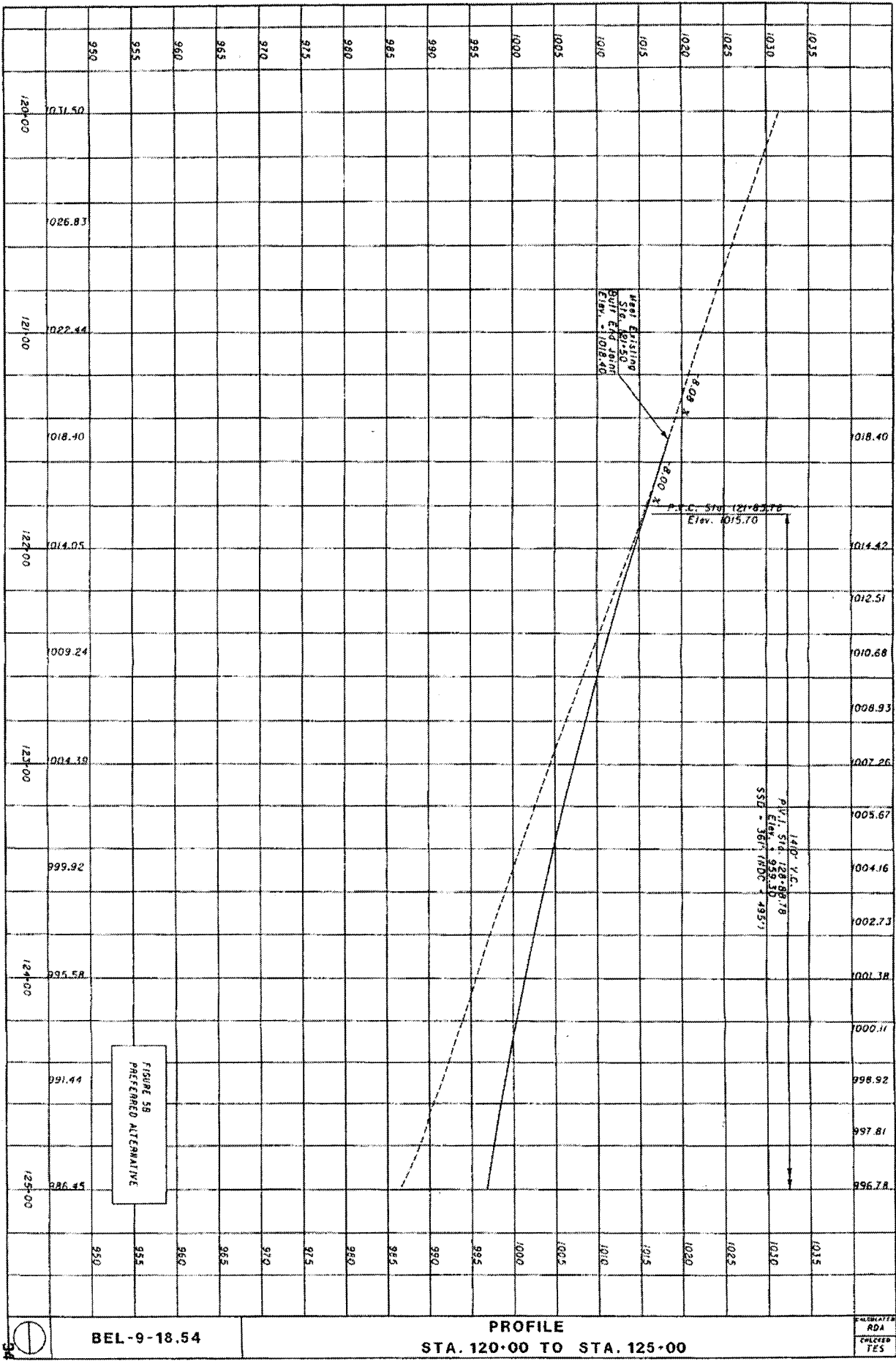
POGUE RUN  
 TOTAL CHANNEL DISTURBANCE (BELOW OHW) 687 LINEAR FEET  
 TOTAL LENGTH OF CHANNEL DISTURBED 832 CUBIC YARDS  
 TOTAL EXCAVATION AND/OR FILL BELOW OHW 832 CUBIC YARDS  
 STANDARD ROADFILL

APPROPRIATE DISTURBANCE DUE TO  
 EXCAVATION AND/OR FILL BELOW OHW

FIGURE 5A  
 PREFERRED ALTERNATIVE

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BEL-9-18.54

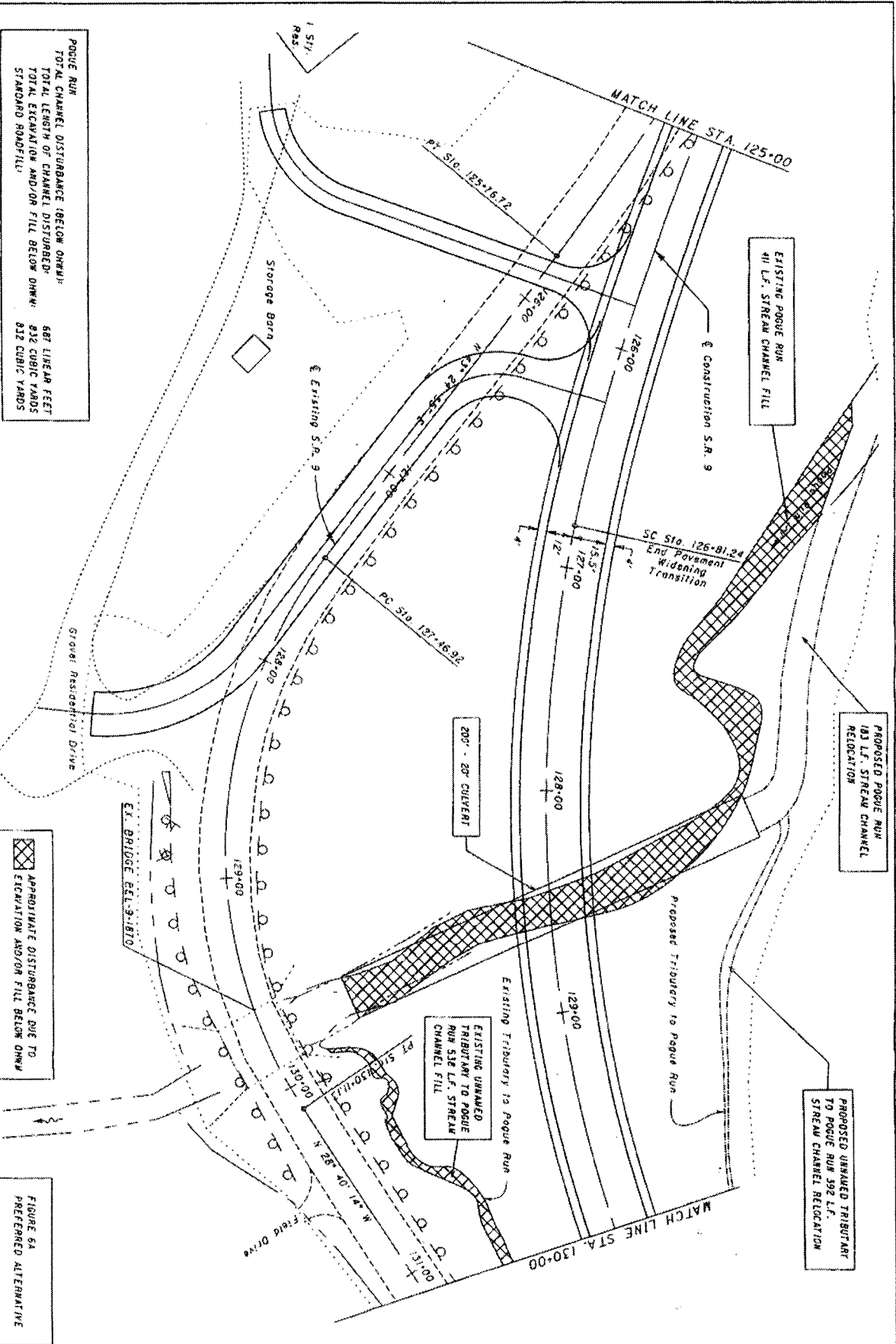
PROFILE  
 STA. 120+00 TO STA. 125+00

FILED BY  
 RDA  
 CHECKED  
 TES

POGUE RUN  
 TOTAL CHANNEL DISTURBANCE (BELOW OHW): 587 LINEAR FEET  
 TOTAL LENGTH OF CHANNEL DISTURBED: 832 CUBIC YARDS  
 TOTAL ELEVATION AND/OR FILL BELOW OHW: 832 CUBIC YARDS  
 STANDARD ROADFILL

APPROPRIATE DISTURBANCE DUE TO  
 ELEVATION AND/OR FILL BELOW OHW

FIGURE 6A  
 PREFERRED ALTERNATIVE



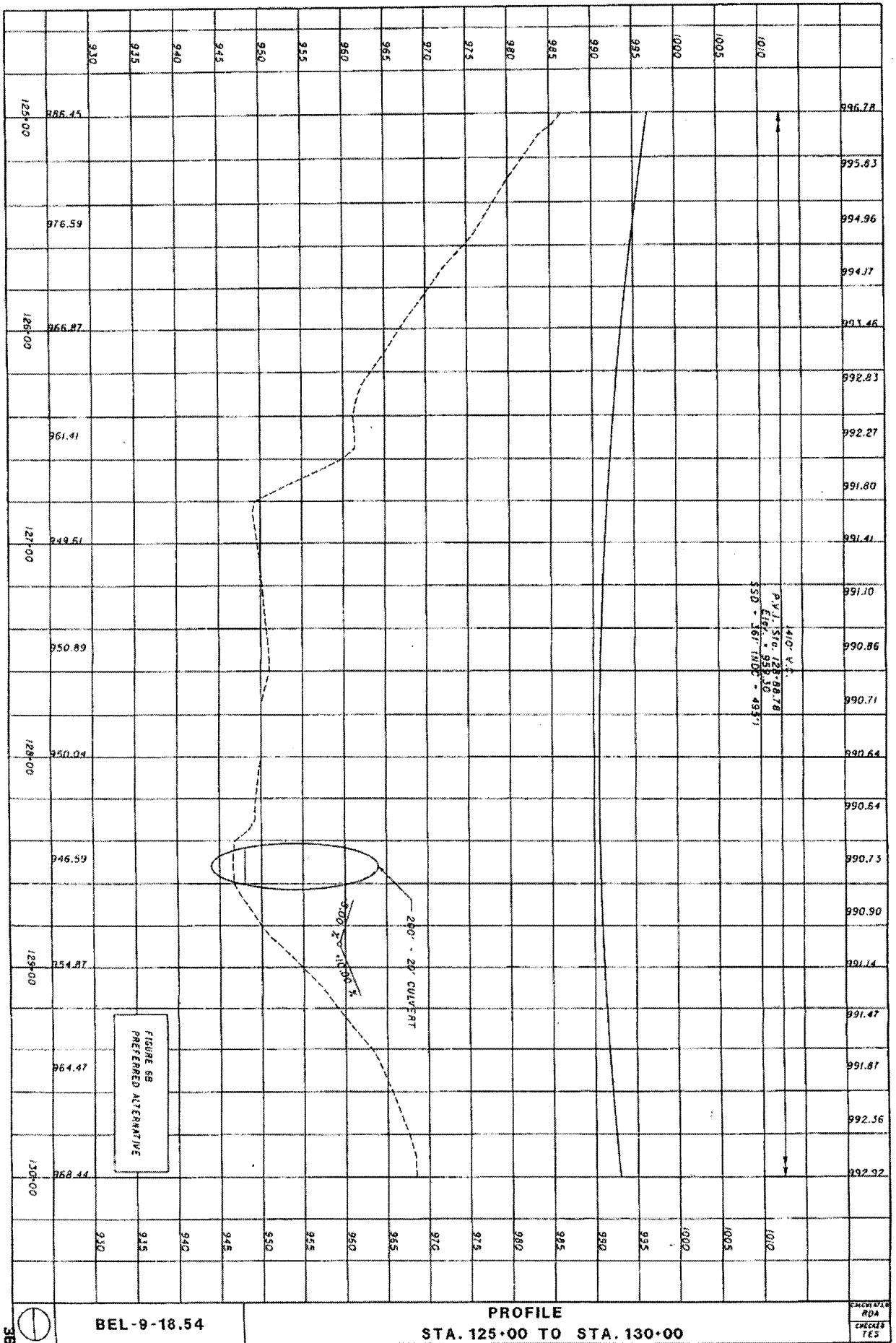
BEL-9-18.54

PLAN  
 STA. 125+00 TO STA. 130+00

CALCULATED  
 RDA  
 THRESHOLD  
 TES  
 HORIZONTAL  
 SCALE IN FEET



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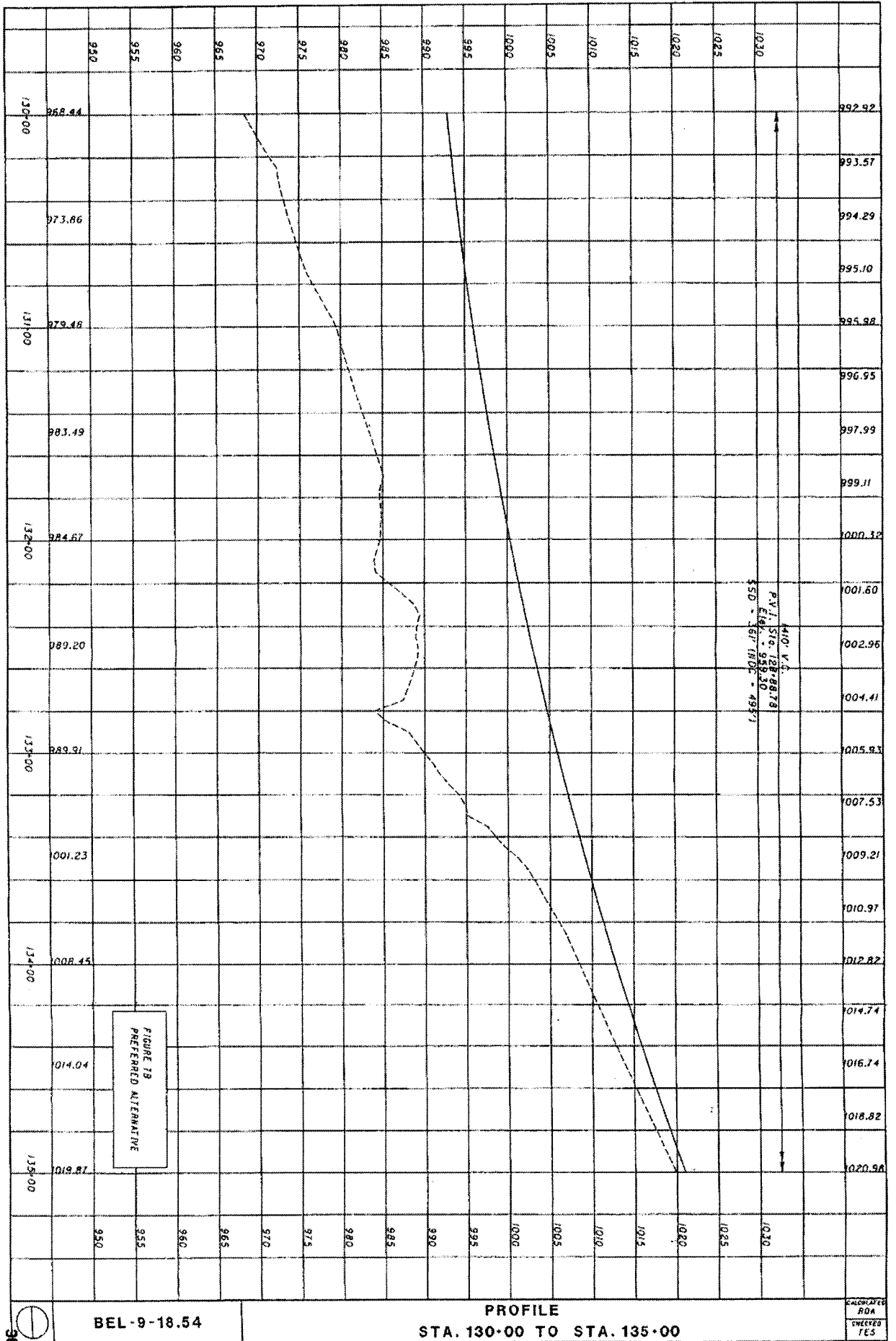
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PROFILE  
STA. 125+00 TO STA. 130+00

CHECKED  
RDA  
CHECKED  
TES

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BEL-9-18.54

PROFILE  
 STA. 130+00 TO STA. 135+00

CALCULATED  
 RDA  
 ENGINEER  
 TES

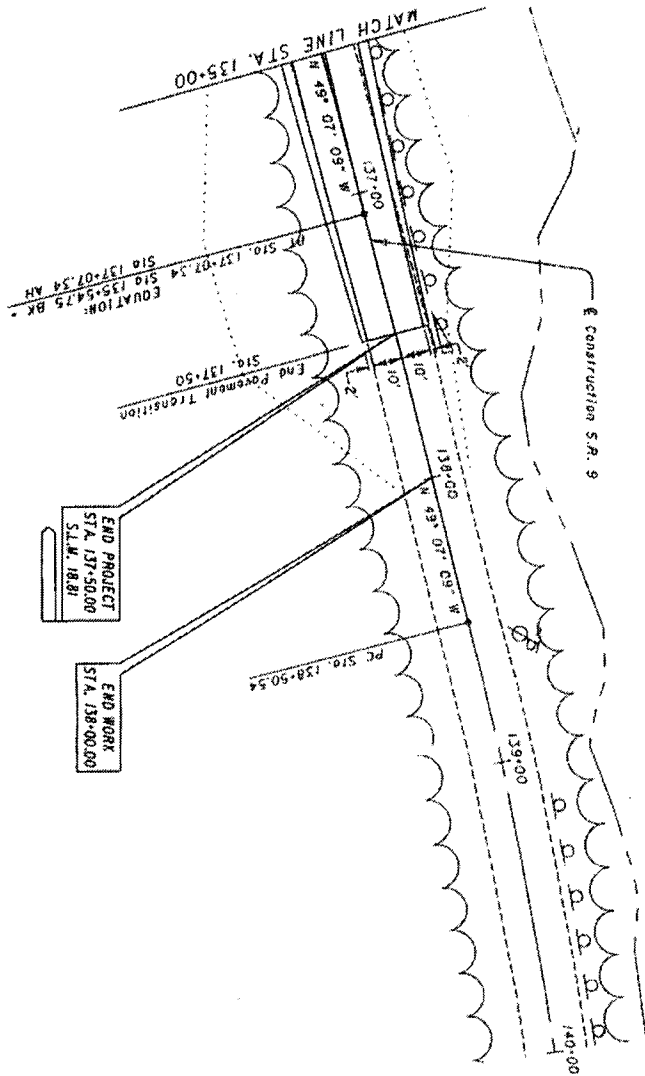


FIGURE 8A  
PREFERRED ALTERNATIVE

BEL-9-18.54

PLAN  
STA. 135+00 TO STA. 140+00

ENGINEER	RDA
CHECKED	YES

HORIZONTAL  
SCALE IN FEET



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